

EXHIBIT 17

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DARRYL CHALMERS,)	
DARREN CONNORS,)	
GLENN MENDEZ,)	
JAMES NOVA, and)	
FATIMA Q. ROSEMOND,)	
)	
On behalf of themselves and all others)	
similarly situated, and)	Civil No. 20-cv-03389 (AT) (GWG)
)	
AFSCME DISTRICT COUNCIL 37)	
LOCAL 2507, on behalf of its members)	
)	CLASS ACTION
Plaintiffs,)	
)	
v.)	
)	
CITY OF NEW YORK,)	
)	
Defendant.)	
)	

**DECLARATION OF ROBERT KAUFMAN IN SUPPORT
OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

I, Robert Kaufman, declare upon personal knowledge and under penalty of perjury that the following is true and correct:

1. I am competent to give this declaration, which I do in support of Plaintiffs' Motion for Class Certification. I am a Caucasian employee of the City of New York who works as an Associate Fire Protection Inspector ("AFPI") Level III in the Fire Department of New York's ("FDNY's") Bureau of Fire Prevention ("BFP"). I am a member of the proposed class in this case (but not the proposed subclass). All of the statements in this declaration are made based on my personal knowledge or, in some instances, my familiarity with FDNY records to which I have access because of my job duties.

2. I first started working as a Fire Protection Inspector (“FPI”) on February 24, 1992. Over my nearly 30-year career with BFP, I have been assigned to two District Offices, the Public Buildings Unit, the Central Station Electrical Unit, and the Explosives Unit. I have progressed through the FPI title series, with a promotion from FPI to AFPI and among the various AFPI levels, and currently have the highest AFPI level designation (Level III).

3. In approximately 2016, I was assigned to BFP’s Training Unit, where I work to this day as a Deputy Chief Inspector. When I joined the Training Unit, I reported to Chief Inspector Ron Riccitelli. In 2018, Ron Riccitelli was replaced by Chief Inspector Jesus Martinez, who is still in charge of BFP’s Training Unit at present.

4. I am certified as a Fire Service Instructor Level II, which means that I am certified by the National Fire Protection Association to act as a fire services instructor. In order to become a certified Fire Service Instructor, I had to take an intensive one-week course with both classroom and practical components and pass both a written and hands-on skills evaluation. All inspectors assigned to BFP’s training unit, including the inspectors that conduct new hire inspector training, are certified Fire Service Instructors. Our unit relies on National Fire Service Instructor Guidelines to structure and guide our training of new FPIs.

5. BFP’s Training Unit is in charge of training both new hire FPIs, known as “Basic Training for Fire Protection Inspectors” (“Basic Training”), as well as providing refresher training to incumbent inspectors.

6. Today, Basic Training involves about 12 weeks of primarily classroom-based training.

7. The goals of Basic Training, from the new hire perspective, include: to learn procedures and policies of FDNY relating to the inspector job title; to learn code enforcement

techniques to ensure proper compliance to all Fire & Life Safety laws, codes, and rules; to learn how to complete daily required forms necessary for the completion of inspector field assignments; to understand the NYC Fire Code and Fire Rules, along with cross enforcement of the Building Code, Mechanical Code, Plumbing Code, Fuel Gas Codes, and others; to become efficient in research, report writing, and verbal communication; to understand what customer service means to a NYC employee; to obtain certification as a New York State Peace Officer (without firearms); to learn basic information technology (“IT”) computer use and policies; and to learn FDNY’s computerized inspection scheduling and tracking system, “FIRES.”

8. Basic Training is the same for all new inspectors, regardless of the unit they are ultimately assigned to.

9. The purpose of Basic Training is to give every new inspector a general grounding in inspector fundamentals, and not to train them to be a specific type of inspector.

10. New inspectors are further trained on specific areas of the code that apply to their unit’s type of inspection once they are placed in a unit.

11. As a general matter, Basic Training includes classroom-based training on the following topics: Human Resources, Customer Service, Professional Development, Technology Skills, Safety, Fire Inspection Operations, Codes, Administrative Enforcement, and Peace Officer Certification.

12. New Hire Human Resources training includes courses such as New Hire Orientation (which includes an overview of benefits, CityTime/timekeeping, compensation, and other Human Resources practices); Right to Know training; and EEO/DOI Integrity training (which includes training on conflicts of interest, bribery, and gift taking).

13. Customer Service training is comprised of one seven-hour session designed in accordance with Local Law 18 of 2010, Business Owner's Bill of Rights. Customer Service training includes seven or eight modules, which cover topics like empathy, understanding of cultural diversity, how to appropriately handle language barriers, professionalism, and communication skills.

14. Professional Development training includes training on effective communication and listening, conflict resolution, and report writing.

15. Technology Skills training includes training on the technology issued to inspectors (e.g. iPads), training on the various computer-based platforms inspectors are expected to use (e.g. email, CityTime, Microsoft Word), and training on the FDNY intranet.

16. Safety training includes training from OSHA on ladder safety and safety harnesses.

17. Fire Inspection Operations training includes an introduction to Fire Prevention and the origin of the BFP; an overview of how BFP is organized, as well as chain-of-command; insight into the different BFP units; and a big-picture primer on what it means to be a fire protection inspector and what core roles and responsibilities of all fire protection inspectors are.

18. Code training includes in-depth coverage of the Fire Code as well as portions of the Building Code and other New York City codes, including on topics like types of building construction and certificates of occupancy. New inspectors receive several weeks of instruction on relevant provisions of New York City code, and the codes are discussed and relied upon throughout the entire training.

19. Administrative Enforcement training includes at least a week of training on FDNY Summonses (formerly notices of violation), violation orders, and criminal summonses.

New inspectors are taught, among other things, about the various types of administrative enforcement tools including the legal framework in which they fit, when they may be appropriate, how to fill out the appropriate forms and serve them, best practices, what not to do, and how to testify in front of a tribunal if necessary.

20. Peace Officer Certification includes 118.5 hours of instruction on constitutional law, the NY Penal Code, the powers of a peace officer, arrest procedures, FDNY authority and limitations, ethics in law enforcement, and conflict resolution.

21. Basic Training includes several Field Days where new inspectors are sent out to shadow seasoned inspectors in the field. New inspectors then return to the classroom to discuss what they have observed and are assigned (as homework) to write any violations observed while shadowing via the appropriate enforcement too.

22. In terms of methods of instruction, BFP instructors typically rely on tools such as powerpoints, lectures, quizzes, writing exercises, field observation, role-playing exercises, and case studies.

23. New FPIs are administered a mid-term and final exam during Basic Training and must achieve a 70% or higher on the final exam in order to graduate. They are also given knowledge checks throughout Basic Training in the form of quizzes, though these quizzes do not count toward their passing grade.

24. Upon successful completion of Basic Training, new hire FPIs are considered certified FPIs in New York City and are ready for on-the-job training supervised by seasoned AFPIs. AFPIs supervising on-the-job training will sign off when they believe a new inspector can perform inspections on his or her own. The length of on-the-job training depends on the BFP unit and the capabilities of the new inspector, but typically takes weeks or months.

25. The same general training structure has been in place since at least 2016, though in 2016 classroom training was 10-weeks long rather than 12-weeks long and Peace Officer Certification required 99 hours of coursework instead of 118.5 hours of coursework.

26. Basic Training is college-accredited, which means that our inspectors get 12 college credits upon graduating the academy: 1 credit for completing peace office training, and 11 credits for completing the remainder of training. Basic Training has been college-accredited since at least 2016.

27. Historically, for what I understand to be mostly budgetary reasons, BFP's Training Unit has provided training to incumbent inspectors on as "as-needed basis." Topics of incumbent training have included: code updates, changes to City Human Resources practices, safety requirement changes, and changes to FDNY policies. The unit is currently working on formalized refresher training for incumbent inspectors.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

05/17/2021

Date



Robert Kaufman